

UNITED STATES DISTRICT COURT

for the
Western District of North Carolina

| | | |
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| United States of America |) | |
| v. |) | |
| WILLIAM PATRICK MILLER |) | Case No: <u>DNCW398CR000007-009</u> |
| |) | USM No: <u>13661-058</u> |
| Date of Original Judgment: <u>September 23, 1999</u> |) | |
| Date of Last Amended Judgment: <u>February 23, 2009</u> |) | <u>Ross Hall Richardson</u> |
| |) | Defendant's Attorney |

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 188 months **is reduced to** Time served, plus 10 days all cts.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

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| Original Offense Level: <u>36</u> | Amended Offense Level: <u>32</u> |
| Criminal History Category: <u>III</u> | Criminal History Category: <u>III</u> |
| Original Guideline Range: <u>235-293 months</u> | Amended Guideline Range: <u>151-188 months</u> |

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.
- ☐ Other

III. ADDITIONAL COMMENTS

Defendant previously sentenced to 120 months, each count, all counts concurrent on Counts Twelve & Thirteen.

Except as provided above, all provisions of the judgment dated September 23, 1999 shall remain in effect.

IT IS SO ORDERED.

Order Date: February 15, 2012

Effective Date: _____
(if different from order)



Graham C. Mullen
United States District Judge

